

REMARKS

This paper is filed in response to the Office Action mailed on February 14, 2006. Currently, Claims 1-26 are pending in the application. Of these, Claims 4-14, 21, and 22 are withdrawn from consideration as being drawn to a non-elected species. Claims 1, 2, 15-20, and 23 are rejected. Claim 3 is objected to, and Claims 24-26 are allowed.

Objection to the Drawings

The drawings have been objected to because certain numerals mentioned in the description do not appear in the figures. The description has been amended to include the numerals which are used in the figures. Accordingly, the drawings are no longer in need of correction. Therefore, the withdrawal of the objection to the drawings is respectfully requested.

The Objection to the Specification

The specification is objected to because some of the numerals are used to refer to different components in the drawings. The specification has been amended to recite the correct numerals from the drawings. Accordingly, the withdrawal of the objection to the specification is respectfully requested.

The Rejection of Claims 17 and 18 Under 35 U.S.C. § 102(b)

Claims 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bumgarner (U.S. Patent No. 5,758,895).

For a reference to be anticipatory, the reference must exactly describe the claimed invention. As amended, Claim 17 recites " a manually operable fastener located on one of either the toe or the ankle strap having a component that forms a portion of one of either the toe or the ankle strap." Because the Bumgarner reference does not teach or suggest a manually operable fastener located on one of either the toe or the ankle strap having a component that forms a portion of one of either the toe or the ankle strap, the Bumgarner reference is not anticipatory. Claim 18 has been canceled without prejudice or disclaimer.

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Accordingly, the withdrawal of the rejection of Claims 17 and 18 is respectfully requested.

The Rejection of Claims 1, 15, 19, 20, and 23 Under 35 U.S.C. § 102(b)

Claims 1, 15, 19, 20, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Laughlin (U.S. Patent No. 5,692,765).

For a reference to be anticipatory, the reference must exactly describe the claimed invention.

As amended, Claim 1 recites "an operable fastener located on one of either the toe or the ankle strap having a component that forms a portion of one of either the toe or the ankle strap." As amended, Claim 19 recites "a manually operable fastener located on one of either the first or the second strap, wherein operation of said fastener secures both first strap and second strap against the boot." Because the Laughlin patent does not teach or suggest either an operable fastener located on one of either the toe or the ankle strap having a component that forms a portion of one of either the toe or the ankle strap, or a manually operable fastener located on one of either the first or the second strap, wherein operation of said fastener secures both first strap and second strap against the boot, the Laughlin reference is not anticipatory. Claim 15 is dependent from Claim 1. Claims 20 and 23 have been amended to depend from Claim 1.

Accordingly, the withdrawal of the rejection of Claims 1, 15, 19, 20, and 23 is respectfully requested.

The Rejection of Claim 16 Under 35 U.S.C. § 103(a)

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Laughlin in view of Biermann et al. (U.S. Patent No. 4,142,735).

Claim 16 is indirectly dependent from Claim 1. Therefore, the withdrawal of the rejection of Claim 16 is respectfully requested.

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The Rejection of Claim 2 Under 35 U.S.C. § 103(a)

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Laughlin in view of Collombin et al. (U.S. Patent No. 4,060,256).

Claim 2 is dependent from Claim 1. Therefore, the withdrawal of the rejection of Claim 2 is respectfully requested.

The Withdrawn Claims 4-14, 21, and 22

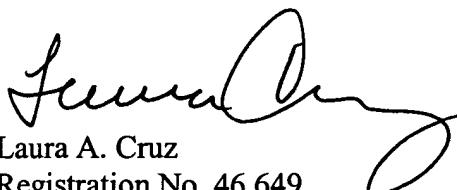
The withdrawn Claims 4, 5, 6, 10, 11, 12, and 13 have been amended to place these claims in better form or because of the amendment to Claim 1. Claim 21 has been amended to depend from Claim 1. As all of the withdrawn Claims 4-14, 21, and 22, depend directly or indirectly from Claim 1, examination and allowance of these claims is respectfully requested.

CONCLUSION

In view of the foregoing amendment and remarks, applicant submits that Claims 1-17, and 19-26 are in condition for allowance. If the Examiner has any further questions or comments, the Examiner may contact the applicant's attorney at the number provided below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

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